

1F/ GP-1651  
**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Eric A. JOHNSON et al.

Application No: 08/458,019

Filed: 1 June 1996



Group Art Unit: 1808

Examiner: H. Lilling

For: PROCESSES FOR IN VIVO PRODUCTION OF ASTAXANTHIN AND PHAFFIA  
RHODOZYMA YEAST OF ENHANCED ASTAXANTHIN CONTENT

#25  
D.G.J.  
7/15/98  
(NE)

**REQUEST FOR RECONSIDERATION**

**BOX AF**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Request for Reconsideration is responsive to the Final Office Action mailed 10 April 1998. The Examiner set a three-month period for response making a response due no later than 10 July 1998.

**REMARKS**

In item 17 on page 2 of the Office Action, claims 25-34 remain rejected under the judicially-created doctrine of obviousness-type double patenting over claims of U.S. Patent No. 5,356,819. The Fleno et al. patent.

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The rejection cannot stand for the following reasons.

The instant application claims benefit to U.S. Serial No. 07/229,536 filed 8 August 1988. The instant application is assigned to Igene Corporation.